

Express Mail Label No.
EV619617887US

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT INTERFERENCES

-----X
WALTER C. FIER :
 v. : Interference No. 101,096
MICHEL REVEL, ET AL. :
 v. :
HARUO SUGANO, ET AL. :
-----X

SUGANO, ET AL. OPPOSITION OF THE MOTION
OF JUNIOR PARTY WALTER C. FIER TO AMEND
THE ISSUE BY SUBSTITUTION OF PROPOSED COUNT
2 FOR COUNT 1 OR BY THE ADDITION OF PROPOSED
COUNT 2 AND BY ADDITION OF PROPOSED COUNTS 3-9
PURSUANT TO 35 C.R.F. §1.231(a)(2)

The party Sugano et al. hereby opposes the motion of Fiers to amend the issue in this interference by substitution of proposed count 2 for count 1 or by addition of proposed count 2 and by addition of proposed counts 3-9. This opposition is specifically directed to the Fiers Motion as it regards proposed counts 3-9.

With regard to the Fiers proposed counts 3-9 the Fiers motion should be denied for failure to comply with the requirements of 37 C.F.R. §1.231(a)(2). As provided therein, to amend the issue by addition or substitution of new counts, the moving party must demonstrate why a proposed count is necessary or why a count proposed to be substituted is preferable to the original count. Furthermore, the moving party must demonstrate patentability of the counts to all parties and must apply the proposed count to all involved applications except an application which the proposed count

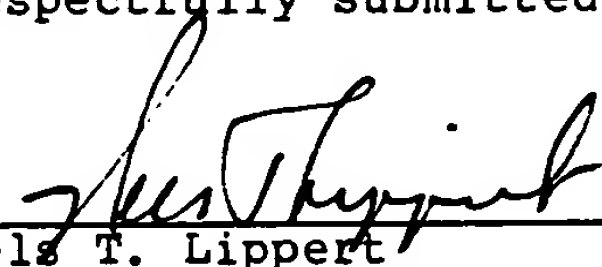
originated. Clearly Fiers has failed to comply with such requirements.

As it pertains to proposed counts 3 through 9, the Fiers motion consist merely of an invitation to the other parties to demonstrate patentability of the subject matter such counts to them. It fails to demonstrate patentability of the proposed counts to any of the other interfering applications. Accordingly the motion should be denied for such reason.

CONCLUSION

For the foregoing reasons the motion of Fiers to amend the issue by addition of proposed counts 3 through 9 should be denied.

Respectfully submitted,



Nels T. Lippert
Attorney for the Party
Sugano, et al.
Reg. No. 25,888

FITZPATRICK, CELLA, HARPER & SCINTO
277 Park Avenue
New York, New York 10172
(212) 758-2400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT INTERFERENCES

-----X

WALTER C. FIERS :

v. :

MICHEL REVEL, ET AL. :

v. :

HARUO SUGANO, ET AL. :

-----X

Interference No. 101,096

"Express Mail" mailing label number B53947126

Date of Deposit Sept. 10, 1984

I hereby certify that this paper or fee is being deposited with
the United States Postal Service "Express Mail Post Office to
Addressee" service under 37 CFR 1.10 on the date indicated above
and is addressed to the Commissioner of Patents and Trademarks,
Washington, D. C. 20231.

KENRIC WONG

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

CERTIFICATE OF SERVICE

This is to certify that copies of the following annexed
papers have been mailed to the party Revel et al., through their
attorney, Roger L. Browdy, Esq., Browdy and Neimark, 419 Seventh
Street, N.W., Suite 300, Washington, D. C. 20004, and to the
party Fiers, through his attorney, James F. Haley, Jr., Esq.,
Fish and Neave, 875 Third Avenue, 29th Floor, New York, N.Y.
10022, on this 10th day of September, 1984, by first class
mail, postage prepaid:

1) Sugano et al. Opposition to the
Motion of Junior Party Walter C. Fiers
to Dissolve this Interference Pursuant to
37 C.F.R. §1.231(a)(1) as to Sugano et al.;

2) Sugano et al. Opposition to the
Motion by Revel et al. to Dissolve Under
37 C.F.R. §1.231(a)(1) as to Sugano et al.
for Lack of Support;

3) Sugano et al. Opposition to the
Motion of Revel et al. to be Accorded the
Benefit of an Earlier Application Under
37 C.F.R. §1.231(a)(4)

4) Sugano et al. Opposition to the
Motion of Junior Party Walter C. Fiers
To Amend the Issue by Substitution of
Proposed Count 2 for Count 1 or by the
Addition of Proposed Count 2 and by
Addition of Proposed Counts 3-9 Pursuant
to 35 C.F.R. §1.231(a)(2).